

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 REBECCA BARRINGTON,

10 Plaintiff,

11 v.

12 STATE OF NEVADA, *et al.*,

13 Defendants.

Case No. 3:17-cv-00150-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

14 Before the Court is the Report and Recommendation of United States Magistrate  
15 Judge William G. Cobb (ECF No. 9) ("R&R") relating to plaintiff's application to proceed  
16 *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff had until  
17 July 12, 2017, to file an objection. To date, no objection to the R&R has been filed.

18 This Court "may accept, reject, or modify, in whole or in part, the findings or  
19 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
20 timely objects to a magistrate judge's report and recommendation, then the court is  
21 required to "make a *de novo* determination of those portions of the [report and  
22 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party  
23 fails to object, however, the court is not required to conduct "any review at all . . . of any  
24 issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
25 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
26 magistrate judge's report and recommendation where no objections have been filed.  
27 See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the  
28 standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); see also *Schmidt v. Johnstone*,  
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in  
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
4 issue that is not the subject of an objection."). Thus, if there is no objection to a  
5 magistrate judge's recommendation, then the court may accept the recommendation  
6 without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without  
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R  
10 and proposed complaint, this Court finds good cause to accept and adopt the  
11 Magistrate Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and  
13 Recommendation of Magistrate Judge William G. Cobb (ECF No. 9) is accepted and  
14 adopted in its entirety.

15 It is ordered that plaintiff's application to proceed *in form pauperis* (ECF No. 1) is  
16 granted; plaintiff will not be required to pay an initial fee.

17 It is further ordered that the Clerk file the complaint (ECF No. 1-1).

18 It is further ordered that the complaint is dismissed with prejudice.

19 The Clerk is directed to close this case.

20 DATED THIS 21<sup>st</sup> day of July 2017.

21  
22  
23 

24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28